



Lee Norman, M.D., Interim Secretary

Department of Health & Environment

Laura Kelly, Governor

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## **Nutrient Utilization Plan Form**

### **Livestock Waste Management Program**

LIVESTOCK WASTE  
MANAGEMENT SECTION

You must complete this form if you have a swine facility with a capacity of 1,000 animal units or more and waste from your swine facility is applied to land. This completed form and the required attachments must be approved by the Kansas Department of Health and Environment (KDHE) before a National Pollutant Discharge Elimination System (NPDES) Permit will be issued to a swine facility.

**Instructions: PLEASE PRINT.** Complete and provide all information as requested. If you need assistance with completing this form please call (785) 296-6432 or your local KDHE District Office. Mail the completed form and required attachments with your Nutrient Management Plan to:

**LIVESTOCK WASTE MANAGEMENT SECTION  
KDHE - BUREAU OF ENVIRONMENTAL FIELD SERVICES  
1000 SW JACKSON STREET, SUITE 430  
TOPEKA, KS 66612-1367**

### **FACILITY INFORMATION**

**Name of Operator:** Kellan F. Kopfer, Owner  
**Name of Facility:** Kopfer Farms, Inc.  
**Kansas Permit Number:** To Be Assigned  
**Facility Address:** New Facility - Address to be Assigned  
**City, State & Zip Code:** Oak Hill, Kansas 67432

**Date:** August 20, 2019

**Mailing Address:** 630 Cherokee Road  
**City, State & Zip Code:** Oak Hill, Kansas 67432

**NUP Consultant:** Duane H. Mueting, P.E., P.L.S.  
785-334-6044 / 785-336-1361

## REQUIRED ATTACHMENTS

For this NUP to be considered complete and ready for the department to review, the applicant must provide the following documentation. Additional guidance on specific components is available upon request through the Department. Please call (785) 296-6432 or go on-line at [www.kdheks.gov/feedlots/](http://www.kdheks.gov/feedlots/) for assistance.

1. Nutrient Utilization Plan version3.5.xls worksheets:
  - a. List of fields with acreage, legal descriptions and land owner names and addresses (*Fields*)
  - b. Worksheets for each field showing application rate calculations (*Input, Worksheet & SM Analysis*)
  - c. Summary of maximum application rates projected for the next five (5) years (*Summary*)
  - d. List of alternative crops that may be planted (*Removal*)
2. Copies of laboratory soil analysis results for each field included in the NUP.
3. Signed *Soil Sampling Certification* forms for each soil sample taken.

## ITEMS TO BE KEPT ON FILE AT THE FACILITY OFFICE

1. Included with your approved Nutrient Management Plan:
  - a. Site maps for the intended location(s) of waste application.
  - b. Copies of all landowner agreements for any land application fields that are not owned by the swine facility and are included in the NUP.
2. Included with your Annual Report:
  - a. Copies of the waste analysis reports for waste being applied to fields included in the NUP.
  - b. Rates, methods of application, frequency, and timing of application of waste to each field.
  - c. The amounts (lbs per acre) of nitrogen, phosphate, and other nutrients applied to each field from sources other than swine waste.
3. Included with your Operation's Report:
  - a. Precipitation records and amounts of irrigation and other water applied.
  - b. Records of maintenance and calibration of all land application equipment.
4. A copy of the conservation plans for applicable fields included in the NUP
5. Names of employees and contractors identified to supervise the process of transferring manure or wastewater to land application equipment and the process of land application, and records of training for all personnel who supervise and conduct the land application of manure or wastewater.

## AMENDMENTS TO YOUR NUP

Following approval of the initial plan, updated application rates are to be submitted with your Annual Report. The following NUP changes must be approved prior to implementation. The following changes will also require submission of an updated NMP:

1. A swine facility's permit is no longer valid but the facility plans to seek a new permit.
2. Additional land to which waste will be applied is not described in the currently approved plan.
3. A procedure for waste application will be used that is not described in the currently approved plan
4. Land included in an approved NUP is no longer available for nutrient application because of a change in the legal characteristics of the land previously identified in the plan.
5. A phosphorus soil analysis result exceeds the phosphorus holding capacity of the soil in a field as prescribed in K.A.R. 4-21-7.

## SWINE WASTE LAND APPLICATION RESTRICTIONS

Swine facilities that are required to have a NUP shall not apply manure or wastewater:

1. To any land application areas where soil tests indicate that the phosphorus holding capacity of the soil is exceeded, as defined by K.A.R. 4-21-7.
2. To bare ground within 1,000 feet of any habitable structure, wildlife refuge or city, county, state or federal park unless:
  - a. It is incorporated into the soil the same day,
  - b. The manure or wastewater has been subjected to physical, biological, or biochemical treatment, or other treatment method for odor reduction approved by KDHE,
  - c. The manure or wastewater is applied with innovative treatment or application that is best available technology for swine facilities and best management practices for swine facilities or other technology approved by KDHE,
  - d. The owner of the habitable structure has provided a written waiver to the facility.
3. To land classified as highly erodible on the basis of erosion resulting from water runoff, except where soil conservation practices to control erosion and runoff are followed and identified in the facility's NUP and NMP.
4. During precipitation events or to frozen, snow covered, or saturated ground.
5. Within 100 foot of any down-gradient surface water, open tile line intake structure, sinkhole, agricultural well head, or other conduits to surface water. As a compliance alternative, the facility may substitute the 100-foot setback with a 35-foot wide vegetative buffer on which applications of manure, litter, or process wastewater are prohibited, or may demonstrate that a setback or buffer is not necessary because implementation of alternative conservation practices or field-specific conditions will provide pollutant reductions equivalent or better than the reductions that would be achieved by the 100-foot setback.

**SIGNATURE**

Your signature on this form attests to your agreement to comply with these statements and warrants that the statements are truthful. The person who signs this form must be authorized by the facility to bind the facility to all the terms and conditions of the nutrient utilization plan.

Signature: \_\_\_\_\_

Kellan F. Kopter, Owner — Kopter Farms, Inc.

Date: \_\_\_\_\_

August 20, 2019